IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 4399 OF 2000

Date:07.07.2006

BETWEEN:

C. Satyanarayana Rao

…. PETITIONER

And

1. Government of A.P., rep. By its Secretary, Food and Agriculture Department, Secretariat Buildings, Hyderabad, and another.

…. RESPONDENTS

ORAL ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in allotting Shop No.66 in Platform No.2 as against the Shop No.56 in Platform No.1 (which was renumbered as Shop No.35) in Gudimalkapur Vegetable Market Yard, by proceedings No.AMCH/A&R.I/137/95-96, dated 31.12.1999 as arbitrary and illegal.

It is the case of the petitioner that he is holding a valid licence under Section 7 of the A.P. Markets Act to carry on business as a commission agent in Gudimalkapur Market. He has been doing vegetable business for the last 50 years and his licence is being renewed from time to time. When the market was shifted from Karvan to Gudimalkapur, as an existing licensee his case was considered and shop No.56 in Platform No.1 was allotted to him. Thereafter, without putting him on notice or without calling for any explanation, the impugned order dated 31.12.1999 has been passed allotting him Shop No.66 in Platform No.2 as against Shop No.56 in Platform No.1. According to the petitioner once the shop is allotted and he is doing business, he cannot be prevented from doing business at Shop No.56 in Platform No.1, by passing the impugned order, particularly, without putting him on notice and without furnishing any reasons therefor.

Heard both sides.

As seen from the impugned order, it does not indicate as to any notice has been issued to the petitioner before making a change in the allotment of shop from Shop No.56 in platform No.1 to Shop No.66 in platform No.2. No counter affidavit has been filed.

In view of the above, I am of the considered opinion that the impugned order is gross violation of principles of natural justice and therefore the same is liable to be set aside.

Accordingly, the impugned order is set aside and the Writ Petition is allowed. No order as to costs.

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(C.V. Ramulu, J.)

7th July, 2006
Js.